

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

ISBA INSTITUT BIOCHIMIQUE
SA, et al.,

Plaintiffs,

v.

ACCORD HEALTHCARE, INC.,

Defendant.

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Hon. Julien Xavier Neals
Civil Action No. 23-54

PRETRIAL SCHEDULING ORDER

THIS MATTER having come before the Court for a scheduling conference pursuant to Rule 16 of the Federal Rules of Civil Procedure on May 15, 2023; and for good cause shown:

IT IS on this 15^h day of May, 2023,

ORDERED THAT:

1. A telephone status conference shall be held before the undersigned on **8/31/2023 at 12:00 P.M.** Counsel for Plaintiff is directed to initiate the call to (973) 776-7700. If the conference is going to be conducted via dial-in, the parties are instructed to call Chambers once everyone is on the line and provide the dial-in information at that time. Dial-in numbers will not be accepted prior to the conference. The parties are to submit a joint status letter no later than **8/25/2023**, itemizing the issues counsel would like to discuss in the upcoming conference.
2. Any discovery dispute shall be brought to the Court's attention in the first instance by letter or by telephone conference call immediately after the parties' good faith attempt to resolve the dispute has failed. *See* L. Civ. R. 16.1(f)(1). No discovery motion or motion for sanctions for failure to provide discovery shall be made without prior leave of Court.
3. Discovery shall proceed as set forth in Exhibit 1 to this Order.
4. **FAILURE TO FOLLOW THIS ORDER WILL RESULT IN SANCTIONS PURSUANT TO Fed. R. Civ. P. 16(f) and Fed. R. Civ. P. 37.**

s/ James B. Clark, III

JAMES B. CLARK, III

United States Magistrate Judge

EXHIBIT 1

Event	Date
Rule 26(f) Conference	May 1, 2023
Submit Joint Discovery Plan	May 8, 2023
Rule 16 Conference	May 15, 2023
IBSA serves Disclosure of Asserted Claims	May 22, 2023
Parties serve their Initial Disclosures	May 30, 2023
Parties file Discovery Confidentiality Order	May 30, 2023
Accord serves Invalidity and Non-infringement contentions	June 14, 2023
IBSA serves Responses to Invalidity Contentions and Infringement Contentions	July 31, 2023
Parties exchange proposed claim terms for construction	August 14, 2023
Parties Exchange Preliminary Claim Constructions and Evidence	September 5, 2023
Parties Exchange Responding Claim Construction Evidence	September 19, 2023
Joint Claim Construction and Prehearing Statement Due	October 5, 2023
Completion of Claim Construction Fact Discovery	November 6, 2023
Opening <i>Markman</i> Briefs	November 22, 2023
<i>Markman</i> Expert Discovery Closes	December 22, 2023
Responsive <i>Markman</i> Briefs	January 26, 2024
Parties Propose Schedule for <i>Markman</i> Hearing	February 9, 2024
<i>Markman</i> Hearing	To be set by the Court

EXHIBIT 1

Deadline for substantial completion of document production	60 days after the Court's <i>Markman</i> Opinion/Order
Deadline to move to amend or add parties	90 days after the Court's <i>Markman</i> Opinion/Order
Close of fact discovery	90 days after the Court's <i>Markman</i> Opinion/Order
Opening expert reports on issues for which the party bears the burden of proof	30 days after the close of fact discovery
Rebuttal expert reports	30 days after service of opening expert reports
Reply expert reports	21 days after service of rebuttal expert reports
Close of expert discovery	30 days after service of reply expert reports
Submission of proposed Final Pretrial Order	TBD
Final Pretrial Conference	TBD
Trial	TBD
Expiration of 30-month stay	May 28, 2025